

# Freedom of Information

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## Headlines

- Government to publish documents showing economic impact of Brexit, p.18
- Agency accused of 'gaming the system' to avoid being held to account, p.19
- MoJ entitled to exempt manual from FOI, p.20

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## Government publishes new 'no nonsense' FOI Code

The government has published its keenly anticipated rewrite of the section 45 Code of Practice, which hasn't been updated for 12 years.

The intention to rewrite the current Code — described by one FOI expert as being “about as much use as a chocolate teapot (and rather less satisfying to consume)” — was announced in March 2016, as the government responded to the recommendations made by the FOI review Commission.

The government is consulting on seven main questions as set out in the consultation document.

The questions include whether the guidance in chapter 1 of the Code is clear and helpful for public authorities to understand, whether the guidance could be more detailed or where it could be clearer, and whether the guidance about publication of FOI compliance statistics provide enough detail for public authorities to start publishing their own compliance statistics.

FOI Blogger and Consultant FOI Man reviewed the Code in depth and said “Overall, it is a welcome move to a practical guide for public authorities on fulfilling their FOI obligations. It actually addresses many of the crucial questions that arise for practitioners – it is helpful.”

However, he raised a few issues of concern. The first section of the Code, which deals with the making of requests, makes no attempt to define what should be treat-

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## Scotland's regulator rolls sleeves up with government's FOI handling

Scotland's Information Commissioner Daren Fitzhenry is considering a further intervention into the Scottish government's FOI practice to examine concerns raised by journalists.

Journalists sent an open letter to the Scottish Parliament selection panel for the Scottish Information Commissioner appointment back in 31st May. The letter was produced by a group of newspaper, online and broadcast jour-

nalists who routinely use FOI legislation in their reporting and research. They said “we are writing to you to raise live concerns we have about current practice and experience trying to use that legislation, particularly with respect to the Scottish government and its agencies.

“In the last few years, we have become increasingly concerned about the way in which the legislation

is being interpreted and implemented. We would be grateful if these concerns could be taken into account during the process to appoint a new Scottish Information Commissioner.”

The letter detailed examples of information requests being repeatedly delayed significantly beyond the 20 working day deadline without clear

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